IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 2017 of 2005

Between:

1 M/S. Surana Telecom Ltd., Having its Registered-

Office at II Floor, Surya Towers, S.P. Road

Secunderabad, rep. by its Director, Mr. S. Balasubramaniam.
2 M/s. Bhagyanagar Metals Ltd., habing its Registered Office-

at 5th Floor, Surya Towers, S.P. Road, Secunderabad,rep.

by its Managing Director Mr. Devendra Surana.
3 Narender Surana, S/o. G.M. Surana, Plot No. 21, P&T

Colony, Secunderabad -500 003.
4 S.P.M. Telecom, D-28/1/12, IAD, Nacharam,Hyderabad, rep.

by its Managing partner, Mr. Rupender Jain.

..... PETITIONERS

AND

1 Joint Deputy Director General (HMT), Bharath Sanchar Nigam

Limited (Corporte Office), Room No.1207, Statesman House B

148, Barakhamba Road, New Delhi-110 001.
2 Chairman & Managing Director, Bharat Sanchar Nigam Ltd.,
Statesman House, Cannought Place, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ in the nature of Mandamus or any other appropriate writ order or direction calling upon the Respondents to forthwith transmit to the Hon'ble Court all records pertaining to the impugned proceedings No.GR/CUG/-01/03. August-2003 for PIJH Telecom Cables in case of foreign manufacturers in the Respondent's Tender No. NM/SW/012005/000283 issued on 12.1.2005, and declare the impugned conditions whereby the Respondents have granted-waiver of infrastructural, technical and quality, requirements of specified in Respondents Generic Requirement No.GR/CUG-01/03 AUG 2003 for PIJF Telecom Cables in case of Foreign manufacture in the Respondent's Tender No.MM/SW/012005/000283 issued on 12.01.2005 as illegal, arbitrary and unreasonable.

Counsel for the Petitioners: MR.S.RAVI

Counsel for the Respondent Nos.1 & 2: MR.KANTHI NARAHAN (SC FOR BSNL)

The Court made the following :

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ORDER:

The learned counsel for the petitioners says that inasmuch as the petitioners came to know that there are no foreign participants issue raised in this petition would be of academic interest and so petitioners are not interested in pursuing

the matter and seeks leave to withdraw the petition with liberty to question the proceedings impugned if and when necessary.

The contention of the learned Standing Counsel for respondents is that since no part of cause of action arose within the jurisdiction of this Court, this Court does not have the jurisdiction to entertain this petition and so issue relating to jurisdiction may have to be decided first before considering the prayer of the petitioners to withdraw the petition.

Since the petitioners are not interested in pursuing the case and want to question the issue raised in this petition as when the occasion arises, they are at liberty to question the same as and when they want to challenge the proceedings impugned. Respondents, as and when the petitioners choose to file a petition questioning the proceedings impugned in this Court, are also at liberty to raise the issue relating to jurisdiction in that petition.

With the above observation, the Writ Petition is dismissed as withdrawn. Interim stay granted earlier shall stand vacated. No costs.

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18-03-2005

To

1 The Joint Deputy Director General (HMT), Bharath Sanchar

Nigam Limited (Corporte Office), Room No.1207, Statesman

House B 148, Barakhamba Road, New Delhi-110 001.

2 The Chairman & Managing Director, Bharat Sanchar Nigam Ltd., Statesman House, Cannought Place, New Delhi.

3 Two C.D. copies.

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